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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,841	12/26/2006	Henning Frederiksen	IRF0037US.NP	3333
26250 7590 10/09/2008 LICATA & TYRRELL P.C. 66 E. MAIN STREET MARLTON, NJ 08053				
EXAMINER LEWIS, BEN				
ART UNIT 1795		PAPER NUMBER		
NOTIFICATION DATE 10/09/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

poreilly@licataandtyrrell.com

# Office Action Summary

**Application No.**

10/591,841

**Applicant(s)**

FREDERIKSEN ET AL.

**Examiner**

Ben Lewis

**Art Unit**

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date 11/20/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki et al. (U.S. Pub. No. 2002/0119359 A1).

With respect to claims 1 and 3, Yamazaki et al. disclose a polymer electrolyte fuel cell wherein .the plurality of conductive separators comprise at least one separator comprising: a fuel gas inlet-side manifold aperture (active) ; a fuel gas outlet-side manifold aperture (passive); a gas flow channel for supplying the fuel gas to the anode which is formed on an anode-side of the separator; an inlet-side through hole and an outlet-side through hole penetrating the separator which are formed at an inlet-side end and an outlet-side end of the gas flow channel for fuel gas; and an inlet-side connection groove and an outlet-side connection groove for connecting the inlet-side and outlet-side through holes with the fuel gas inlet-side manifold aperture and the fuel gas outlet-side manifold aperture, respectively, which are formed on a cathode-side of the separator (Paragraph 0016).

Yamazaki et al. also teach that the at least one separator further comprises: an oxidant gas inlet-side manifold aperture (active manifold); an oxidant gas outlet-side manifold aperture (passive manifold); a gas flow channel for supplying the oxidant gas to the cathode which is formed on the cathode-side; an inlet-side through hole and an outlet-side through hole penetrating the separator which are formed at an inlet-side end and an outlet-side end of the gas flow channel for oxidant gas; and an inlet-side connection groove and an outlet-side connection groove for connecting the inlet-side and outlet-side through holes with the oxidant gas inlet-side manifold aperture and the oxidant gas outlet-side manifold aperture, respectively, which are formed on the anode-side (Paragraph 0034).

The fuel gas supplied to the inlet-side manifold aperture 12a passes through the connection grooves 26a formed on the cathode-side of the separator 10 and the through holes 25a penetrating the separator 10 and reaches the gas flow channels 24 formed on the anode-side to be supplied to the anode. An excessive gas and a gas generated by the electrode reaction pass from the gas flow channels 24 through the through holes 25b (passive manifold) penetrating the separator 10 and the connection grooves 26b formed on the cathode-side and reach the outlet-side manifold aperture 12b to be discharged (Paragraph 0065).

The cathode-side separator member 40 and the anode-side separator member 50, combined to each other with their backsides having the cooling water flow channels 47 and 57 in contact with each other, are inserted between the MEAs. FIG. 8 is a cross-sectional view of a cell stack in which the combination of the cathode-side

separator member 40 and anode-side separator member 50 is alternately inserted with the separator 10 between the MEAs (Paragraph 0073).

With respect to claim 2, Examiner notes that in Fig. 2 (cathode side channels) and Fig. 3. (anode side channels) are arranged to flow perpendicular with respect to each other.

With respect to claim 4, Yamazaki et al. teach that the cathode-side separator member 40 and the anode-side separator member 50, combined to each other with their backsides having the cooling water flow channels 47 and 57 in contact with each other, are inserted between the MEAs. FIG. 8 is a cross-sectional view of a cell stack in which the combination of the cathode-side separator member 40 and anode-side separator member 50 is alternately inserted with the separator 10 between the MEAs (Paragraph 0073).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben Lewis whose telephone number is 571-272-6481. The examiner can normally be reached on 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ben Lewis/  
Examiner, Art Unit 1795

/PATRICK RYAN/  
Supervisory Patent Examiner, Art Unit 1795